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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,953	12/22/2000	Robert James Laferriere	GEMS:0110/YOD (15-SV-5653	1242

7590 11/19/2004

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EXAMINER	
THOMPSON, MARC D	

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,953	LAFERRIERE ET AL.	
	Examiner	Art Unit	
	Marc D. Thompson	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2004* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The Response to the prior non-final action, received 7/26/2004, has been entered into record.

2. Claims 1-29 remain pending.

Priority

3. No claim for priority has been made in this application.

4. The effective filing date for the subject matter defined in the pending claims in this application is 12/22/2000.

Drawings

5. The Examiner contends that the drawings submitted on 12/22/2000 are acceptable for examination proceedings.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-29 are rejected under 35 U.S.C. §102(e) as being anticipated by Carleton et al. (U.S. Patent Number 6,061,717), hereinafter referred to as Carleton.

8. Carleton disclosed generation of screen display at a controlled computer (host computer, controlled when remote computer(s) provide control of local application functions) (inter alia, Column 3, Lines 15-21, Figure 10, and Column 10, Lines 42-44), transmitting screen display data to the controlling (remote) computer (inter alia, Column 10, Lines 42-44), transmission of input event information from controlling (remote) to controlled (host) (inter alia, Column 8, Lines 1-4), definition/identification of a logical block of the display (e.g., "box") (inter alia, Column 10, Lines 30-31), and caching of display data for at least the "box" at the controlling computer (Column 10, Lines 60-62). Note that there was minimal, if any actual, difference between the "controlling" (remote) and "controlled" (host) terminal computers. See, inter alia, Column 11, Lines 18-27. All remaining limitations are likewise met by the teachings of Carleton.

9. Since all the claimed limitations as broadly presented were expressly disclosed by Carleton, claims 1-29 are rejected.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR §1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. §103(c) and potential 35 U.S.C. §102(f) or (g) prior art under 35 U.S.C. §103(a).

12. Claims 1-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mairs et al. (U.S. Patent Number 6,216,177), hereinafter referred to as Mairs, in view of Carleton et al. (U.S. Patent Number 6,061,717), hereinafter referred to as Carleton.

13. Mairs disclosed the effective synchronization of remote computer monitor display screens for simultaneous output/display of image information on host, local, and remote computer terminal displays. See, inter alia, Abstract. Additionally, the system caches transmitted image information for remote monitor display, such that redundant transmission of image data was not required, thereby saving bandwidth. See, inter alia, Abstract. Mairs also mentioned a known need for negotiation of control of shared applications, the transfer of application data to remote application instances, the importance of caching information for effective system operation, and overall importance of effective display functionality and information transfer in typical shared application methodologies. See, inter alia, Column 1, Line 61 through Column 3, Line 29. Mairs expressly disclosed substantial discussion of graphical device interface (GDI) application function calls to effect various aspects of the invention, inter alia, in Column 5, Line 61 through Column 11, Line 11.

14. While Mairs disclosed the invention substantially as claimed, and particularly pointed out the desire for users in the art to control shared application through the use of sharing of display commands within the distributed sharing application environment, Mairs did not specifically

disclose the formulation, transmission, interpretation, or subsequent functional procedures dealing with the sharing of application input within the shared application(s), such as input events, which would directly control application(s) running in this type of typical distribution environment. One of ordinary skill in the art at the time the invention was made would have been motivated to search the related art(s) for teachings which would have more fully described a shared application which the invention set forth by Mairs actually operated in to effect effective information transfer and simultaneous image display. See, inter alia, Column 1, Lines 32-49.

15. In the same art of computer conferencing/application sharing, Carleton disclosed generation of screen display at a controlled computer (host computer, controlled when remote computer(s) provide control of local application functions) (inter alia, Column 3, Lines 15-21, Figure 10, and Column 10, Lines 42-44), transmitting screen display data to the controlling (remote) computer (inter alia, Column 10, Lines 42-44), transmission of input event information from controlling (remote) to controlled (host) (inter alia, Column 8, Lines 1-4), definition/identification of a logical block of the display (e.g., "box") (inter alia, Column 10, Lines 30-31), and caching of display data for at least the "box" at the controlling computer (Column 10, Lines 60-62). Note that there was minimal, if any actual, difference between the "controlling" (remote) and "controlled" (host) terminal computers. See, inter alia, Column 11, Lines 18-27.

16. The combination of Mairs and Carleton disclosed a conferencing system which would allow full application sharing, display, and control between application(s) executing on terminals arbitrarily located on a network, while maintaining effective methodology for simultaneous

image display and application input control for the shared application(s). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conferencing system taught by Mairs using, inter alia, the image transmission and compression technique(s) provide therein, with, inter alia, the input event transmission and interpretation provided in the conferencing system provided by Carleton, minimally, to result in a fully stored application environment, where both image and input control information (e.g., device input events and/or input commands) were effectively, efficiently, and transparently to both the user(s) and application(s). See, inter alia, Mairs, Column 1, Lines 32-49, and Carleton, Column 1, Lines 20-44.

17. Since all the claimed limitations as broadly presented were expressly disclosed by the combination of Mairs and Carleton, claims 1-29 are rejected.

Response to Arguments

18. The arguments presented by Applicant in the response received on 7/26/2004, are not considered persuasive. Applicant argues relevancy of the prior applied prior art of record, and the presence/knowledge of particular teachings asserted in the last action. It is submitted that each and every legal requirement set forth by Applicant in the response has been specifically met in the above rejection(s), no assertions of known matter without an evidentiary basis have been relied on to assert well known status in the art, and all limitations found within the overly broad claims presented for examination have been addressed.

19. Applicant has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently

intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP § 2111. Applicant employs broad language which includes the use of words and phrases which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

20. Additionally, the arguments presented by Applicant have been considered, but are moot in view of the new grounds of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc D. Thompson whose telephone number is 571-272-3932. The examiner can normally be reached on Monday-Friday, 9am-4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, Jr. can

be reached at 571-272-3925. The fax phone number for the organization where this application or proceeding is assigned remains 703-872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER

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Art Unit 2144